

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See form PCT/ISA/210**
(day/month/year)

Applicant's or agent's file reference.

311315

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2006/060837

International filing date (day/month/year)

17.03.2006

Priority date (day/month/year)

11.05.2005

International Patent Classification (IPC) or both national classification and IPC

B25D11/12

Applicant

ROBERT BOSCH GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Date of completion of this opinion

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2006/060837

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2006/060837

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	_____	YES
	Claims	1-16	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims	_____	NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: DE 35 05 544 A1 (HILTI AG) 21 August 1986

D2: US 1 901 981 A (OUSBACK MATS GOSTA HARRY) 21 March 1933

D3: CH 659 422 A5 (BLACK & DECKER INC) 30 January 1987

D4: DE 36 34 593 A1 (BLACK & DECKER INC) 14 April 1988

D5: WO 03/041915 A (BLACK & DECKER INC; HANKE, ANDREAS) 22 May 2003

D6: US 2 260 172 A (JR. ALENZO G. DECKER) 21 October 1941

D7: EP 1 252 976 A (BLACK & DECKER INC) 30 October 2002

D8: DE 33 10 145 A1 (HILTI AG; HILTI AG, SCHAAAN, LI) 27 September 1984

2 INDEPENDENT CLAIM 1

2.1 Notwithstanding the lack of clarity mentioned below in Box VIII, the subject matter of claim 1 is otherwise not novel within the meaning of PCT Article 33(2) and therefore the requirements of PCT Article 33(1) have not been met.

2.2 Document D1 discloses (the references between parentheses refer to said document):

WRITTEN OPINION OF THE
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International application No.

PCT/EP2006/060837

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

an electric power tool having a drive (9), arranged in a housing, and a percussion mechanism and a handle (see figure 1), comprising an eccentric (16) driven by the drive (9), wherein the percussion mechanism comprises movable parts (11, 13), wherein at least two of the movable parts (11, 13) are displaceable in a separate guide cylinder (5).

- 2.3 Documents D2, D3, D4, D5, D6, D7, D8 also disclose the subject matter of claim 1, see said documents and the corresponding passages cited in the search report.

3 DEPENDENT CLAIMS 2-16

Dependent claims 2-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step, see documents D1, D2, D3, D4, D5, D6 and D7 and the corresponding passages cited in the search report.

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International application No.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The application does not meet the requirements of PCT Article 6 because claim 1 is not clear. In the characterizing part of claim 1, there appears to be a contradiction to the description and the figures, wherein the cylinder does not appear to be fixed relative to the movable parts and the eccentric. It has therefore been interpreted as: "... characterized in that at least two of the movable parts are displaceable in a separate guide cylinder."